IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

LAND ACQUISITION REFERENCE NO. 38 OF 1979

In the matter of the Land Acquisition Act, 1894
Cause in the matter of acquistion of land

The Special Land Acquisition Officer
Highways and Ors.
and
Ram Achhaibar Tiwari .... Claimant

None for the applicant/claimant.
Mr. P.G. Lad for S.L.A.O.

CORAM: S.U. KAMDAR, J.

DATE : 12TH JANUARY, 2005.

P.C :

1. The present L.A.R. is filed in respect of survey no.17/1pt admeasuring 962 sq.mts situated at village Asalpe, Taluka-Kurla in the Bombay Suburban District. The said property was notified under the provisions of the Maharashtra Regional and Town Planning Act of 1966 for public purpose of construction of Andheri Ghatkopar Link Road. A notification under

section 126(4) & (2) of Maharashtra Regional and Town Planning Act of 1966 read with section 6 of Land Acquisition Act I of 1984 was issued on 12.2.1973 and or published in government Gazette. The S.L.A.O. has passed an award under section 11 of the Land Acquisition ACt I of an amount of Rs.13275.60/- in view of the fact that there was dispute in respect of the title of the land. The said amount has not been paid by the SLAO. The amount is deposited in this court. A notice under section 12(2) was issued to the various claimants and the possession of the land is also taken over under section 18 of the Land Acquisition Act. amount of Rs.16822.20/- is deposited in this court.

2. In so far as the claimants are concerned none appears and nobody has led any evidence for establishing their own title in respect of their claims. The learned counsel appearing for the State government states that he has mentioned in the award the persons in whose favour the award is passed who are the respective owners and or persons interested in respect of the said property. In the light of the aforesaid fact in so far

as the ownership dispute is concerned the award of the SLAO sets out the names of the owners on the basis of records which are set out under the said award in detail. In view of the fact the SLAO has brought on record all the revenue records in absence of any evidence before me, I am of the opinion that the SLAO is justified in doing so. Even before me nobody has appeared and produced any document of any nature whatsoever to establish their title. In view thereof the amount will be distributed to the respective owners as mentioned in the award passed by the SLAO. Award passed by the SLAO is confirmed accordingly. There shall be no order as to costs.

sd/-

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